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Application/Control No.: 10/749,480
Examiner: Thomas M. Hammond III

REMARKS

Claims 1-4 and 7 have been rejected under 35 U.S.C.§112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Reconsideration is requested in view of this Amendment.

In response to this rejection, claim 1 has been amended by inserting the following features:

"(a) a partial unique code (67) starting from some data relative to the user and some data relative to the bank operation that the user is carrying out is generated", is supported by the description as filed at page 9 lines 5-19;

"(b) a code (70) is generated only at the moment when the user decides that he wants to make a bet at the end of the carrying out of the bank operation , said code (70) being integrated with said partial unique code (67) to form an integrated partial unique code (67') which is formed into a permutation of such integrated partial unique code to form a final unique code (67''), which is supported by the description as filed at page 10 lines 1-8 and page 11 lines 22-25; and

(c) feeding said final unique code (67") to a randomising generator (68), the output of which is used by a betting procedure (69), which determines the winning, or not, of the user, according to betting criteria. which is supported by the description as filed at page 9 lines 20-25.

Claim 2 has been canceled and claim 3 has been amended to recite the users secret bank code as described in the specification at page 7, line 24. Claim 4 has been amended to delete the reference to the "moment in which one decides to make a bet".

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Claim 6 has been amended in a manner that is analogous to the manner in
which claim 1 has been amended. It is believed that the amendments to the claims
have obviated the basis for the rejection under 35 U.S.C.§112, second paragraph by
providing an antecedent basis for the terms in the claims and avoids inconsistent use of
the terms "a" and "the". Claim 7 has been canceled which renders moot the rejection
of that claim For these reasons, it is requested that this ground of rejection be
withdrawn.

Claims 1-7 were rejected under 35 U§102(b) as being unpatentable over Small
(U.S. 4,815,741).

Reconsideration is requested.

By way of background, the applicant wishes to point out that, in order to prevent
fraud, each betting procedure must guarantee maximum security, which may also
involve personnel working for banks, or having access to the data transferred and/or
generated during the betting process (referred to, in the patent application, as
privileged observer). In traditional scratch lottery tickets, the seller of the tickets who
informs the next client that the previous client has just won out of the same batch of
tickets that are being offered for sale, is disclosing information about the probability
distribution of that particular batch of tickets. Thus, the "next client" is not treated the
same as the previous client.

The Small patent does not describe a betting program generated by a betting
elaboration unit in which a unique code is generated The examiner has applied the
Small patent as teaching that the PIN code is the unique code. n the amended claims,
the unique code is NOT the PIN, but a code generated dynamically at the time when
the user decides to place a bet. It is generated as defined in steps (a) - (c) of amended
claim 1 in a way which cannot be predicted "a priori" by anyone with access. such as
someone observing in the data traffic between the ATM and the bank computer, or
someone observing the data fed into the random generation program The unique code

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is unpredictable and associated with each individual ATM banking transaction, even by the same user, because of the nature of its incremental dynamic stochastic generation. It is this protection mechanism which represents a major improvement on the Small patent. Small fails to provide any level of security to the user indicia, which are known, once the criteria for selecting them has been chosen bercause they become public information and totally predictable. In other words the customer will play the lottery always with the same ticket, and everybody knows the number of that ticket. The claims of the present application provide a method by which this number is different every time and is not known in advance and is not even known until it becomes the input for feeding the random lottery algorithm on the banks' computer. This makes it virtually impossible for malicious people to exercise any control over the outcome of the game. In the method of the Small patent, at the moment the user starts the ATM transaction, the potential winning number is already known which makes it easier for any malicious operator to force the betting algorithm to generate the same number.

Small does not suggest the formation of a code in which all of the data cannot be controlled or known by the users, and gives no indication that a block or partial permutation of the code is provided. Small also does not feed the used indicia to a randomising generator, but only compares the indicia with a random generated number.

Furthermore, Small's basis for selecting a winning number is not secure, because it is based on a comparison between user data (user indicia) and a random generated number from the sweepstakes processor. Such a number can be generated on or before the start of the bank operation without any instruction from the user. In other words each bank operation starts a betting program generating a random number and a determined user indicia.

Since the user account number or other selected user indicia associated with the user

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can be predicted before and/or at the time the user starts the ATM bank transaction this is not a secure betting system for the following reasons:

If the random number to be compared with user account number or other selected user indicia is generated before the starting of the bank transaction the user could be informed by one with access that in order to carry out the bank transaction in such a way that the match would be successful. The user account number or other selected user indicia is generated during the ATM session and it is possible, for one with access to the banks computer, to know the distribution of the number extracted from the random generator and to determine the probability of which users would have higher chance to win. This creates an obvious potential for fraud.

The Applicant has provided a more secure and reliable electronic system and method for carrying out bank transactions within which it is possible to make a bet.

All of the data cannot be controlled by the user so that not even the user can, even with trickery or with the use of monitoring equipment, determine the unique code which shall be generated. Moreover, a permutation procedure can modify the unique code to obtain a further non-predictable unique code also by a privileged observer.

In particular, the final code 67'' generated by the betting elaboration unit is not predictable. The betting program starts to form the code in a non predetermined moment and by means of a non predictable number.

An example of a permutation procedure is shown:

D	D	D	D	D	D	.	.	.	.	D	D	D	D	D	5	2	5	1	4	4	5	1	1	1	0	2	0	0	5

This is a partial unique code as indicated with 67 in the application. The number on the right could be referred to the number of the ATM device (525), the moment in which a user choose to play (14:45),and the date (11-October-2005).
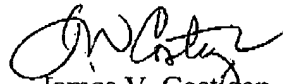
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The left portion "D" of such code could be introduced by the user and/or directly by the program and is generated only at the moment when the user decides that he wants to make a bet according to present invention (press the ATM key to start the betting sequence).For example, the generation of the final unique code as indicated with 67''in the application can be made by a permutation only of the D part of the code.

The claims point out a novel and unobvious invention over the disclosure of the Small patent. For these reasons, it is requested that this ground of rejection be withdrawn.

An early and favorable action is earnestly solicited.

Respectfully submitted,

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